

I am writing you to express my strong opposition to the proposed broadcast flag rule (see docket number 02-230). The primary rationale for this rule has been that content providers would not be willing to broadcast programs digitally without it. However, the current state of affairs seem to suggest that this is not the case: many popular programs are already being broadcast digitally. For example, CBS has been offering the majority of its prime-time television offerings in high-definition television without any such rule presently in place for four consecutive years.

Moreover, the cost of such a rule would be high. No technology available to date is able to effectively distinguish between fair use and infringement of a copyrighted work, and it is not evident that such technology is in development or available for use with the broadcast flag. Because of this, such technology would ultimately infringe on the public's fair use rights, if it were to have any effect whatsoever. Additionally, a mandate to acknowledge and act upon the broadcast flag would limit the choices available to consumers when obtaining a receiver.

Because the flag seems unnecessary by the industry's current actions, and would pose serious threats to consumers' interests, I urge you to reject a broadcast flag mandate.

Thank you for your time.